IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8899 OF 2003

Smt. Rakhmabai Kallappa Susladi .. Petitioner

vs.

The State of Maharashtra & Ors .. Respondents.

Mr.R.K.Mendadkar with Ms. Helen Koli Mandlik, Advocate for the Petitioner.

Mr.C.R.Sonawane, AGP for the Respondent Nos.1, 2 and 4.

Mr.Nitin Jamdar for Respondent No.3.

CORAM : F.I.REBELLO &
S.P.KUKDAY, JJ.

DATED : 9th February, 2005.

P.C. :

1. The order of the Caste Scrutiny Committee is dated 2.11.1999. The petition is filed on 5.12.2003 i.e. three years after the order. The only reason given for explaining the laches is that in the order of the Committee, the committee had mentioned that considering the G.R. of the

Government, dated 15.6.1995 the case of the petitioner herein may be considered for job protection. The G.R. admittedly did not apply to the petitioner as she was appointed after the cut off date for giving protection.

2. The petitioner then contends that the findings of the Committee are completely perverse in as much as documentary evidence produced would show that the father’s caste entry in the school record was initially shown as M. Koli and therefore it cannot be said that he did not belong to Mahadeo Koli.

. An inquiry was conducted and the report was made available to the petitioner. In the inquiry conducted, it was found that when the petitioner’s father was first admitted in school, the caste was shown as Koli on 6.7.1942. The Committee than noticed that "M" was added after the first Presidential Order dated 1950 notifying Scheduled Tribe and thereafter caste was changed from M. Koli to Mahadeo Koli. This report was made available to the petitioner.

. Apart from that, information was sought of tribal characteristics of the petitioner. On getting the information, the Committee found that it did not show that the petitioner belonged to Mahadeo Koli Schedule Tribe and on the contrary the information related to the Koli Caste. Considering these aspects, case of the petitioner was rejected.

. These are purely findings of facts. There is no perversity.

3. It is then pointed out that one of the Members of the Scrutiny Committee did not have the requisite qualification i.e post graduation qualification in anthropology and or sociology. In our opinion experience of the job coupled with clarification should suffice to enable him to work on the committee. There was no challenge before the Committee in that Court. The Petitioner participated in the proceedings The said challenge is purely a belated challenge and an after thought. It can not be understood as to how the

petitioner could maintain silence for three years if she belonged to Mahadeo Koli Community and merely to take advantage of the Government resolution. The benefit of Government Resolution is only to protect the service

. In the above circumstances, we are not inclined to exercise our extra ordinary jurisdiction. Hence the petition is rejected.

. The learned Counsel prays for continuation stay earlier granted. order. We are not inclined to continue the order. The prayer is rejected.

(F.I.Rebello, J.)

(S.P.Kukday, J.)